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| 10/550,011 | 01/23/2006 | Gilles Dumortier | 0579-1105 | 5760 |

466 7590 09/12/2007
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| EXAMINER |
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PAN, YUWEN

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| ART UNIT | PAPER NUMBER |
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2618

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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/550,011 | Applicant(s) DUMORTIER, GILLES | |
| | Examiner Yuwen Pan | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 6,8-14,22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,10,15-18,21 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/19/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/19/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

3. Applicant's election without traverse of claims 2-5, 7, 10, 15-18, 21 and 24, in the reply filed on 8/17/07 is acknowledged.

Claim Objections

4. Claim 1 is objected to because of the following informalities: line 1, "A" should be inserted prior to "Method". Appropriate correction is required.
5. Claims 2-24 are objected to because of the following informalities: for every claims, on line 1, "Said" should be inserted prior to "Method". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4, 5, 7, 10, 15, 16-18, 21, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorday et al (US006665521B1), hereinafter Gorday.

Per claim 1, Gorday discloses a method of communicating between at least two electronic entities (see figure 1 and item 20), said method involving communication management means (item 10) that employ a command response protocol (primary communication protocol, column 1 and line 15-20) to communicate with said electronic entities, and said method being characterized in that at least one of said electronic entities communicates with said communication management means using a wireless technology (ReFLEX) and in that it includes a step consisting in storing a list of said electronic entities in the communication management means (see column 2 and lines 4-20), it is inherent that the base station keep a list of wireless device within the service network under cellular network.

Per claim 2, Gorday further teaches that said electronic entities constitute a network of acquaintances (see column 2 and lines 40-45, partners).

Per claim 4, Gorday further teaches that each of said at least two electronic entities is associated with a unique identifier (address of each cooperative partner, see figure 3 and item 308).

Per claim 5, Gorday further teaches that each identifier is associated with a service or family code (cooperative diversity network, column 2 and lines 40-50).

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Per claim 7, Gorday further teaches that said list includes a new electronic entity, it includes a step of adding the new electronic entity to said network of acquaintances and a function of at least one predetermined criterion (see column 2 and lines 60-column 3 and line 28).

Per claim 10, Gorday further teaches that it involves at least three electronic entities and in that said communication management means are combined with one of said electronic entities (see figure 1, items 12 and 29).

Per claim 15, Gorday further teaches that at least one of said at least two electronic entities is portable (see figure 1 and item 21 and 29).

Per claim 16, Gorday further teaches that at least one of said at least two electronic entities communicates with the communication management means using a contactless technology (see column 1 and lines 15-20, ReFLEX).

Per claims 17 and 18, Gorday further teaches GSM in which inherently use SIM card as microcircuit card for secure purpose (see column 1 and lines 18).

Per claim 21, Gorday further teaches that it ensures continuity of communication involving one of said electronic entities and antenna from a plurality of antennas connected to

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the communication management means when said electronic entity moves in such a manner that said communication involves another antenna from said plurality of antennas (see column 3 and lines 51-column 4 and lines 29, diversity in which utilize any partner's antenna to receive same information to improve the source's gain).

Per claim 24, Gorday further teaches that the object communicates with said plurality of stations using a contact less technology (see column 2 and lines 20-25, Bluetooth).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday in view of Ghirnkar et al (US006216001B1).

Gorday does not expressly teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means. Ghirnkar teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means (see column 4 and lines 16-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ghirnkar with Gorday's system to preserve the quality of service.


Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yuwen Pan
September 5, 2007